

MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TAMEEKA ANDERSON,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/17/2023

**NOTICE OF MOTION  
TO DISMISS THE  
AMENDED  
COMPLAINT**

7:22-cv-03990(NSR)

-----X  
**PLEASE TAKE NOTICE** that, upon the annexed declaration of Ernst Bonaparte, dated March 17, 2023, the accompanying memorandum of law, dated March 17, 2023, and upon all prior pleadings and proceedings heretofore had herein, Defendant City of New York will move this Court, before the Honorable Nelson S. Román, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 300 Quarropas St., White Plains, New York 10601-4150, for an order and judgment, pursuant to Rule 12 of the Federal Rules of Civil Procedure, dismissing the Amended Complaint in its entirety with prejudice on the grounds including that it fails to state a claim upon which relief can be granted, and granting Defendant such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's February 21, 2023, Order (Dkt. 20), plaintiff is to serve her opposition papers no later than April 17, 2023, and any reply papers shall be served by May 1, 2023.

**PLEASE TAKE FURTHER NOTICE**, that, in accordance with Rule 12(a)(4) of the Federal Rules of Civil Procedure, if this motion is denied, in whole or in part, Defendant reserves their right to answer and respectfully request 30 days from the docketing of the order denying the motion in which to serve an answer.

Dated: New York, New York  
March 17, 2023

**HON. SYLVIA O. HINDS-RADIX**


Corporation Counsel of the City of New York  
Attorney for the Defendant  
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By: /s/  
ERNST BONAPARTE  
Assistant Corporation Counsel

Defendants' motion to dismiss (ECF No. 21) is dismissed without prejudice and with leave to refile on the modified reply date, May 22, 2023 (*See* ECF No. 25). The Clerk of the Court is kindly directed to terminate the motion at ECF No. 21.

Dated: April 17, 2023  
White Plains, NY

**SO ORDERED:**

  
HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE